

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA]	
]	
v.]	Cr. No. 22-cr-28-LM
]	
JASON ELLIS]	

DEFENDANT’S ADDENDUM TO SENTENCING MEMORANDUM

The defendant, Jason Ellis, through counsel, Dorothy E. Graham, Assistant Federal Public Defender, files this addendum to his sentencing memorandum and objects to Special Condition #3 – Prohibiting Any Use or Possession of Alcohol.

Objections to Special Conditions

Pursuant to 18 U.S.C. § 3583(d), the Court may only impose a special condition of supervised release if the Court determines that the condition (1) “will further at least one of the three legitimate statutory purposes of deterrence, protection of the public, and rehabilitation,” *United States v. Medina*, 779 F.3d 55, 60 (1st Cir. 2015), (2) “involves no greater deprivation of liberty than is reasonably necessary,” § 3583(d)(2), and (3) “is consistent with any pertinent policy statements issued by the Sentencing Commission,” § 3583(d)(3). The conditions must have “adequate evidentiary support in the record” based on defendant’s specific characteristics and background. *Medina*, 779 F.3d at 61 (citations and quotations omitted); *see also United States v. Perazza–Mercado*, 553 F.3d 65, 69 (1st Cir. 2009).

Special condition # 3/Abstinence from Alcohol

Ellis objects to special condition #3, prohibiting any use of alcohol. Ellis requests that the Court impose a condition prohibiting excessive use of alcohol; for example, a BAC of .08 or

more. This condition is not reasonably related to the nature and circumstances of the offense. Nothing in the PSR suggests that alcohol has been problematic for Mr. Ellis or has contributed to his criminal conduct. Mandating complete abstinence from alcohol is overly restrictive as applied to the specific facts and circumstances of this case.

Respectfully submitted,
JASON ELLIS
By His Attorney,

Date: September 27, 2022

/s/ Dorothy E. Graham
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CERTIFICATE OF SERVICE

I, Dorothy E. Graham, hereby certify that on September 27, 2022 a true copy of the above document was sent via ECF to AUSA Kasey Weiland.

/s/ Dorothy E. Graham